THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.22587 of 2002

Date: 04.07.2007

Between:

K. Venkateswarlu

... Petitioner

AND

Vice Chancellor,
S.V. University, Tirupati
& others.

... Respondents

Counsel for the petitioner : Sri N. Damodara Reddy for
Sri A. Sudarshan Reddy

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.22587 of 2002

ORDER:-

This writ petition is filed for a writ of Mandamus to set aside the proceedings No.CI(6)/Zool/2002, dated 19.08.2002 issued by respondent No.2 and for a direction to respondents to permit the petitioner to write M.Phil Part-I examination.

The petitioner passed M.Sc., Zoology and also RESET examination. The petitioner was admitted in the M.Phil course in the department of Zoology. He appeared for M.Phil Part-I examination in December 2001. In the affidavit he claims that the clerk in the office of the respondents informed him that he passed the said examination and that he made an application for pursuing Ph.D course and that the petitioner was originally selected for the registration of M.Phil to Ph.D continuation with effect from March 2001. The petitioner thereafter was informed that he failed in M.Phil Part-I written examination and on coming to know about the same, he once again appeared for the said examination in the year 2002. On the ground that the petitioner failed in his second attempt too, the impugned order has been issued informing that his M.Phil registration was cancelled as also his Ph.D registration.

The 2nd respondent - Registrar of the S.V. University (for

short 'the University') filed a counter-affidavit in which it is mentioned that the claim of the petitioner that he passed M.Phil Part-I examination in his first attempt is not correct. It is further stated that the petitioner failed in the said examination in his second attempt made in September, 2001. It is further stated that as per M.Phil Regulation II(A)(3) of the University, a person, who failed twice in the M.Phil Part-I examination, is not eligible to appear for the third time. It is also stated that in view of the petitioner's failure to pass the M.Phil Part-I examination in his both attempts, the registration of his candidature for M.Phil/Ph.D stands automatically cancelled under the regulations and that he will have to once again pass RESET examination to get himself registered afresh as a M.Phil candidate.

Heard Sri N. Damodara Reddy, learned counsel representing Sri A. Sudharshan Reddy for the petitioner. No one appeared for the respondents.

The contents of the counter-affidavit have not been denied by way of a rejoinder by the petitioner. In view of the averments in the counter-affidavit which show that under the University regulations the M.Phil registration automatically gets cancelled, if a candidate fails to pass M.Phil Part-I examination in two attempts. In the absence of the petitioner being able to controvert this averment in the counter-affidavit and his failure to produce contra material showing that under the regulations of the University he is entitled to pursue his M.Phil and Ph.D degrees despite his failing in M.Phil Part-I examination, he is not entitled to

any relief. The order impugned in this writ petition cannot be interfered with and consequently the petitioner is not entitled to any relief.

For the aforementioned reasons, the writ petition fails and is accordingly dismissed. No costs.

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C.V.NAGARJUNA REDDY, J

Date: 04.07.2007
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